

**The Department of Community Planning & Development**  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** June 9, 2004  
**Re:** REZONING: R-3, Two-Family Residential, to B-2 Local Neighborhood Business (Conditional), at 1042 Florida Avenue.

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**I. PETITIONER**

Kenneth and Valerie Braxton, 1409 Taylor Street, Lynchburg, VA 24504  
**Representative:** Kenneth and Valerie Braxton, 1409 Taylor Street, Lynchburg, VA 24504

**II. LOCATION**

The subject property is a tract of about 2.43 acres located at 1042 Florida Avenue, Lynchburg, VA 24504  
**Property Owners:** James R. Nowlin, 2120 Florida Avenue, Lynchburg, VA 24501

**III. PURPOSE**

The purpose of this petition is to allow use of the existing structure as a restaurant, with offstreet parking.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan which shows a mixture of Medium Density Residential, Resource Conservation, Public Use, and Institutional land uses in this area, and which encourages the reuse of existing structures.
- Petition agrees with the Zoning Ordinance in that rezoning to a B-2., Local Neighborhood Business District will be adjacent to an existing B-2 District and will allow reuse of an existing structure.
- Petition proposes the use of an existing structure as a restaurant, with offstreet parking.

**The Planning Division recommends approval of the rezoning petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Medium Density Residential and Resource Conservation land uses for this area. Nearby are Public Use and Institutional uses. A small family-owned restaurant intended to serve the neighborhood will be compatible with the mix of uses currently in the area. The Comprehensive Plan also encourages the reuse of existing structures whenever possible. The existing structure on the property served most recently as a restaurant and is suitable for that purpose.
2. **Zoning.** The subject property was annexed into the City in 1908. The property was zoned for industrial uses in 1930, for heavy industrial uses in 1949, and for manufacturing

in 1960. The existing R-3, Two-Family Residential, and R-C, Resource Conservation, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. In 2003, the City Council approved a Conditional Use Permit (CUP) for the property to allow use of the existing structure as a church sanctuary with parking. However, the church never opened on the property. The adjacent parcel fronting on Florida Avenue between the subject property and the Norfolk/Southern railroad tracks is zoned B-2, Local Neighborhood Business. Thus, rezoning the subject property to B-2, Local Neighborhood Business, would simply switch the property from its current residential zoning to the adjacent district.

3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
  - No alcoholic beverages will be served or permitted in the restaurant or on the restaurant property.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
5. **Surrounding Area.** There have been four items requiring City Council approval in the immediate area:
  - 8/13/1991: City Council approved a rezoning of the property at 1600-1610 Hudson Street from I-2, Light Industrial, to R-3C, Two-Family Residential (Conditional), to allow the construction of six single-family dwellings on property owned by the Lynchburg Redevelopment and Housing Authority.
  - 6/9/1998: City Council approved a rezoning of the property at 1700 Hudson Street from I-2, Light Industrial, to R-3C, Two-Family Residential (Conditional), to allow the construction of a residence.
  - 8/14/2001: City Council approved a rezoning of the property at 1350 Florida Avenue from R-3, Two-Family Residential, and R-C, Resource Conservation, to B-5C, General Business (Conditional), to allow use of the property for retail sales and outside storage of surplus building materials.
  - 1/14/2003: City Council approved a CUP at 1040-1042 Florida Avenue (the property now subject of this rezoning petition) for use of the existing structure as a sanctuary, with offstreet parking.
6. **Site Description.** The subject property is bounded to the north by residences, to the west across Florida Avenue by residences, to the east by vacant residentially zoned property, and to the south by vacant resource conservation land.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow use of the existing structure as a restaurant and to provide offstreet parking on the site.
8. **Traffic and Parking.** The City Traffic Engineer has no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic.

9. **Storm Water Management.** A storm water management plan will not be required for the use of the existing structure as a restaurant, because disturbed areas will not exceed 1,000 square feet.
  10. **Impact.** The current structure on this property was built in 1948 and was used most recently for a restaurant. It is not suitable for use as a residence, as permitted under the current zoning. The applicants have voluntarily agreed not to serve alcohol at their restaurant or to allow alcohol to be consumed on the premises in order to avoid negative impacts on the surrounding neighborhood. The building is now vacant and in need of maintenance, such as painting and landscaping. Returning a business to this location will benefit the neighborhood by ensuring that the building is maintained. There is ample parking on the site for restaurant patrons.
  11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 18, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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## **VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Kenneth and Valerie Braxton for a rezoning from R-3, Two-Family Residential, to B-2C, Local Neighborhood Business (Conditional), at 1042 Florida Avenue for the use of the existing structure as a restaurant with offstreet parking.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Ms. Judith C. Wiegand, Senior Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official

Mr. Kent White, Environmental Planner

Mr. Kenneth Braxton and Mrs. Valerie Braxton, Petitioners/Representatives

## **VII. ATTACHMENTS**

### **1. Vicinity Zoning Pattern**

(see attached map)

### **2. Vicinity Proposed Land Use**

(see attached map)

### **3. Site Plan**

(see attached site plans)